

MR3397-11

Serial Number: 10/587,851

Reply to Office Action dated 10 September 2008

AMENDMENTS TO THE DRAWINGS

The attached Drawing sheet includes a change to Fig. 1 and replaces the original sheet that included Fig. 1 thereon. In Fig. 1, the words "PRIOR ART" have been added per the Examiner's requirement.

Attached: 1 Replacement Sheet

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 10 September 2008. Responsive to the objections and rejections made in the Official Action, Claims 1-9 have been canceled and newly presented Claims 10-26 have been provided to correct the language thereof and more clearly show the combination of elements which defines the invention of the subject Patent Application.

In the Official Action, the Examiner objected to the Drawings due to the labeling of "PRIOR ART" being absent from Fig. 1. A substitute Drawing of Fig. 1 is attached hereto which corrects the omission in the original Drawing. No new matter has been added.

In the Official Action, the Examiner then objected to the Abstract, stating that it should be less than 150 words, and the Specification due to a number of translational and grammatical errors therein. Accordingly, a Substitute Specification and Abstract have been provided that are believed to overcome the Examiner's objections thereto. A clean copy of the Substitute Specification and Abstract are attached to this Amendment in compliance with 37 C.F.R. § 1.125. The Substitute Specification includes the same changes as are indicated in the marked-up copy of the original Specification. It is believed that the subject matter disclosed by the Substitute Specification was previously disclosed in the

Specification, Claims, and Drawings as originally filed. No new matter has been added by these changes.

The Examiner then rejected to Claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner further stated that the Claims were generally narrative and indefinite and included many grammatical and idiomatic errors.

Claims 1-9 have been canceled, and new Claims 10-26 have been presented to correct the language thereof and to conform with current U.S. practice. It is now believed that the Claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Thus, the Examiner's rejection in this regard is believed to be obviated.

Lastly, the Examiner rejected Claims 1-9 under 35 U.S.C. § 103(a), as being unpatentable over the admitted prior art of the disclosure in view of Malovich, U.S. Patent #3,853,077, stating that the form of the previous Claims left several limitations as merely optional, and that the narrative "was developed" in the Claims rendered certain aspects as non-limiting.

Before discussing the reference relied upon by the Examiner, it is believed beneficial to initially and briefly review some of the features of the subject invention as more clearly defined by the newly inserted Claims. The invention of the subject Patent Application is directed to a Pit Furnace Closing System. The pit

furnace closing system includes among its combination of features: a furnace structure having an opening at an upper end thereof; two beams disposed in spaced parallel relation above the furnace structure; stainless steel bars supported over the beams; pieces of cloth wrap for high temperature being used to close the furnace; and, a support device with a superior portion extending out of the furnace structure, the superior portion being substantially removed from the heat of the furnace structure, wherein, parts to be tempered are suspended on an inferior portion of the support device inside the furnace.

From another aspect, the pit furnace closing system includes: a planar stainless steel screen supported on the two beams and having a through-hole formed therethrough; and, a support device hanging from the planar stainless steel screen with a superior portion extending out of the furnace structure, the superior portion being substantially removed from the heat of the furnace structure, wherein, parts to be tempered are suspended on an inferior portion of the support device inside the furnace.

From a third aspect, the pit furnace closing system includes: a bipartite lid having a cut; a planar stainless steel screen formed to mate with the cut of the bipartite lid, the planar stainless steel screen having a through-hole formed therethrough; and, a support device hanging from the planar stainless steel screen with a superior portion extending out of the furnace structure, the superior portion being substantially removed from the heat of the furnace structure, wherein, parts

to be tempered are suspended on an inferior portion of the support device inside the furnace.

In contradistinction, the Malovich Patent is directed to a soaking pit cover apparatus and method. In Malovich, the soaking pit cover is devoid of through-holes. Malovich is teaches a suggests an apparatus to close a soaking pit; the gravamen of the reference is providing an insulating cover without compromise. Malovich is so concerned with the insulative properties of the door that a bumper (4) is provided inasmuch as a vehicle is required to push the cover open. It is respectfully submitted that providing through-holes in an insulating cover is inapposite to the purposes and objectives of insulating and would thusly be counter-intuitive and non obvious to a reader of Malovich of ordinary skill in the art.

Moreover, and among other distinctions, Malovich makes no suggestion or teaching of suspending items to be tempered or support devices, let alone a "support device hanging ... with a superior portion extending out of the furnace structure, [with] the superior portion being substantially removed from the heat of the furnace structure, wherein, parts to be tempered are suspended on an inferior portion of the support device inside the furnace," as is necessary to newly inserted independent Claims 10, 16, and 21.

The admitted prior art of the subject Patent Application is unable to remedy the deficiencies inherent in the teachings-away of Malovich. The admitted

prior art is the very conventional pit furnace that the subject Patent Application seeks to dramatically improve upon. Please note that the admitted prior art is not believed to provide or suggest a through-hole in a cover, instead being described as a "cork to a bottle." Further, there is no teaching or suggestion of: "[a] support device hanging ... with a superior portion extending out of the furnace structure, [with] the superior portion being substantially removed from the heat of the furnace structure, wherein, parts to be tempered are suspended on an inferior portion of the support device inside the furnace," as is necessary to newly inserted independent Claims 10, 16, and 21.

As neither the admitted prior art, nor the Malovich reference teach or suggest the unique concatenation of interrelated parts for the stated purposes and objectives, and indeed contain several expressly contrary teachings, the combination of Malovich and the admitted prior art are unable to render the Claims of the subject Patent Application as obvious.

The dependent Claims are believed to show further patentable distinctions, but are believed allowable for at least the reasons presented *supra*.

Thus, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

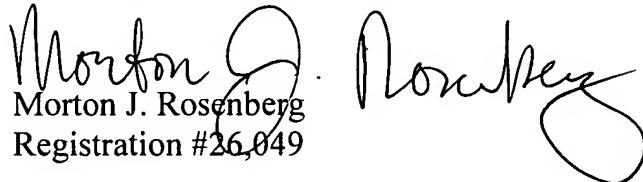
MR3397-11

Serial Number: 10/587,851

Reply to Office Action dated 10 September 2008

If there are any further charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE


Morton J. Rosenberg
Registration #26,049

Dated: 1/30/2009

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678